

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JAMES L. MURPHY,)
)
 Petitioner,)
)
 v.) 1:22-cv-973
)
 STATE OF N.C.,)
)
 Respondent.)

ORDER

On July 17, 2024, the United States Magistrate Judge's Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 9, 10.) No objections were filed within the time limits prescribed by Section 636.

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 9), is **ADOPTED**. **IT IS FURTHER ORDERED** that Respondent's Motion for Summary Judgment, (Doc. 6), is **GRANTED**, that the Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody, (Doc. 1), is **DENIED**, and this action is hereby **DISMISSED**. The court further finds there is no substantial showing of the denial of a constitutional right affecting the conviction nor a debatable procedural

ruling, therefore a certificate of appealability is not issued.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 4th day of September, 2024.

William L. Osten, Jr.
United States District Judge